

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

EX PARTE APPLICATION OF
KUWAIT PORTS AUTHORITY FOR AN
ORDER TO OBTAIN DISCOVERY FOR
USE IN FOREIGN PROCEEDINGS
PURSUANT TO 28 U.S.C. §1782

Case No. _____

DECLARATION OF JONATHAN C. CROSS

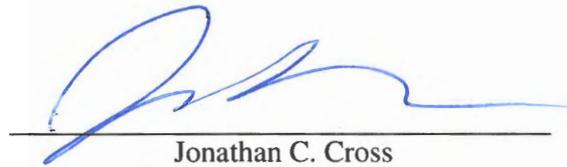
Jonathan C. Cross, declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney, admitted to practice in New York, at the law firm Herbert Smith Freehills New York LLP, which serves as counsel for the Kuwait Ports Authority ("KPA"), in legal matters involving The Port Fund L.P.
2. I submit this declaration in support of the *ex parte* application submitted by the KPA for an order under 28 U.S.C. § 1782 permitting the KPA to take discovery from (a) Citibank, N.A. ("Citibank"); and (b) E-Trade Financial Corporation ("E-Trade") in the Southern District of New York. I understand that KPA seeks documents and information from Citibank and E-Trade.
3. I am familiar with the information set forth in this declaration either from personal knowledge or on the basis of documents that I have prepared and/or reviewed.
4. Attached as Exhibit 1 is a draft subpoena *deuces tecum* to Citibank.
5. Attached as Exhibit 2 is a draft subpoena *deuces tecum* to E-Trade.
6. Attached as Exhibit 3 is a proposed order granting KPA's Application.

* * *

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 27, 2020 in New York, New York



Jonathan C. Cross